

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**RUSSIAN RESEARCH CENTER
THE KURCHATOV INSTITUTE**

Plaintiff,

vs.

WESTERN SERVICES CORPORATION

AND

GUIA OUTMELIDZE (aka GEORGE UTMEL)

Defendants.

CASE NO: AMD 02 CV3878

**MOTION FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT**

Plaintiff The Russian Research Center, The Kurchatov Institute (“KI”), by its undersigned counsel, moves pursuant to Federal Rule of Civil Procedure 15(a) and Local Rule 103.6 for leave to file the attached Second Amended Complaint. The purpose of the Second Amended Complaint is to add counts for copyright infringement based on recently received Certificates of Registration against the previously named defendants only. The grounds of this motion are as follows:

1. This case began as a suit based on common law unfair competition, tortious interference with business relations, unjust enrichment and breach of contract against Defendants Western Services Corporation (“Western”) and Guia Outmelidze (“Outmelidze”).

2. Prior to filing suit, KI filed for six (6) copyright registrations for six (6) components of its SimPort software. Shortly after filing suit, KI received notice from the United States Copyright Office that the Office had found one of KI’s applications for copyright

protection to be in order and issued the Certificate of Registration for the 2002 version of its SimPort simulation software that Western and/or Outemelidze infringes. Accordingly, KI filed a First Amended Complaint, including a count for copyright infringement against the defendants based on this registration. Subsequent to filing its First Amended Complaint, KI received notice from the Copyright Office that Certificates of Registration for the final five (5) applications related to SimPort software were issued. As such, KI now moves this Court seeking leave to file this Second Amended Complaint, alleging copyright infringement for the final five (5) Certificates of Registration.

3. No Defendant will be prejudiced in any way by KI's filing of the Second Amended Complaint. Trial in this case will not occur for more than one year from the date of this filing (June 14, 2004) and more than a sufficient amount of time remains for discovery in this action, should the same be necessary; the discovery deadline is February 3, 2004. Moreover, since KI has now received all six (6) of its Certificates of Registration, future amendments will not likely be necessary unless the information currently known to KI changes.

WHEREFORE, KI respectfully requests that this Court grant it leave pursuant to Fed. R. Civ. P. 15(a) and L. Rule 103.6 to file the attached Second Amended Complaint.

STATEMENT OF GROUNDS AND AUTHORITIES

1. Fed. R. Civ. P. 15(a) is cited for the proposition that "a party may amend the party's pleading . . . by leave of court . . .; and leave will be freely given when justice so requires."

/s/

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SO ORDERED this ____ day of _____, 2003:

Andre M. Davis
United States District Judge